

APPENDIX H

LIST OF FEDERALLY
EXCLUDED LAND

LIST OF FEDERALLY EXCLUDED LAND

1. Pease Air Force Base, Newington
2. Portsmouth Post Office, Portsmouth
3. Coast Guard Station, New Castle
4. Coast Guard Land, White Island, Rye

APPENDIX I

AIR RESOURCES AGENCY

CHAPTER 125-C
AIR POLLUTION CONTROL

125-C: 1 Declaration of Policy and Purpose. It is hereby declared to be the public policy of the state of New Hampshire and the purpose of this chapter to achieve and maintain a reasonable degree of purity of the air resources of the state so as to promote the public health, welfare, and safety, prevent injury or detriment to human, plant, and animal life, physical property and other resources, foster the comfort and convenience of the people, promote the economic and social development of this state and to facilitate the enjoyment of the natural attractions of the state.

125-C: 5 Agency Established. There is hereby established an air resources agency which is designated as the state agency responsible for the implementation of the provisions of this chapter.

Source. 1979, 359:2, eff. July 1, 1979.

125-C: 6 Powers and Duties of the Director. In addition to the other powers and duties granted herein, the director shall have and may exercise the following powers and duties: [Amended 1986, 202:6, I(h).]

I. Exercising general supervision of the administration and enforcement of this chapter and all rules adopted and orders promulgated under it; [Amended 1986, 202:9, eff. July 1, 1986.]

II. Developing a comprehensive program and provide services for the study, prevention, and abatement of air pollution;

III. Conducting and encouraging studies relating to air quality;

IV. Collecting and disseminating the results of studies relating to air quality;

V. Advising, consulting, and cooperating with the cities and towns and other agencies of the state, federal government, interstate agencies, and other affected agencies or groups in matters relating to air quality;

VI. Encouraging local units to promote cooperation by the people, political subdivisions, industries, and others in preventing and controlling air pollution in the state;

VII. Entering at all reasonable times in or upon any private or public property, except private residences, for the purpose of inspecting or investigating any condition which is believed to be either an air pollution source or in violation of any of the rules or orders promulgated hereunder. Any information, other than emission data, relating to secret processes or methods of manufacture or production obtained in the course of such inspection or investigation shall not be disclosed by the director without permission of the person whose source is inspected or investigated;

VIII. Accepting, receiving, and administering grants or other funds or gifts for the purpose of carrying out any of the functions of this chapter, including such monies given under any federal law to the state for air quality control activities, surveys, or programs;

IX. Consulting the air resources council established by RSA 21-O:8 on the policies and plans for the control and prevention of air pollution; [Amended 1986, 202:10, eff. July 1, 1986.]

X. Exercising all incidental powers necessary to carry out the purposes of this chapter;

XI. Conducting emission tests and requiring owners or operators of stationary sources to install, maintain, and use emission monitoring devices and to make periodic reports to the director on the nature and amounts of emissions from such stationary sources. The director shall have the authority to make such data available to the public and as correlated with any applicable emission standards; [Amended 1986, 202:6, I(h).]

XII. Carrying out a program of inspection and testing of all modes of transportation, to enforce compliance with applicable emission standards when necessary and practicable and to control or limit the operation of motor vehicular and other modes of transportation when in the opinion of the director such modes of transportation are producing or pose an imminent danger of producing levels of air pollutants that will result in a violation of an ambient air quality standard, or that will result in a significant deterioration, as defined in applicable federal regulations, of existing air quality in an area classified as a "clean air" area by state or federal regulations;

XIII. Coordinating and regulating the air pollution control programs of political subdivisions of the state and entering agreements with said subdivisions to plan or implement programs for the control and abatement of air pollution;

XIV. Establishing and operating a statewide system under which permits shall be required for the construction, installation, operation or material modification of air pollution devices and sources, which system shall be established pursuant to RSA 125-C: 11 and the sections which follow. The authority vested in the director by this section shall include the power to delay or prevent any construction, modification or operation of said air pollution sources and modifications which, in the opinion of the director, would cause the ambient air pollution level in the locality of such construction, modification or operation to exceed limits for ambient concentrations established by the New Hampshire state implementation plan adopted pursuant to the Clean Air Act as amended, or which construction, modification or operation would, in the opinion of the director, violate any provision of any land use plan established by the New Hampshire state implementation plan. [Amended 1981, 332: 3, eff. Aug. 16, 1981.]

XV. Implementing a program of prevention of significant deterioration of ambient air quality by establishing air quality increments limiting the maximum allowable increases in the amounts of air pollutants provided such increments are not less stringent than those specified in the Clean Air Act and amendments thereto, and in regulations promulgated thereunder.

125-C: 15 Enforcement.

I. Whenever the director or his authorized representative finds that a source of air pollution has resulted in a violation of any of the provisions of this chapter or any rules in force hereunder, the director shall issue a notice of violation and, where appropriate, an order of abatement establishing a compliance schedule with which said source shall comply. Any order of abatement shall become final and enforceable by the director within 10 days of its issuance unless an appeal is filed with the commission before the expiration of said 10 day period. The commission shall hold a hearing on any such appeal promptly, and shall thereafter issue a decision upholding, modifying or abrogating the director's order of abatement or any part thereof. The commission's decision shall become final 10 days after it is issued. Upon a finding by the director that the public health is threatened, he may issue an order of abatement requiring immediate compliance and said order shall be final and enforceable upon issuance, but may be appealed to the commission within 10 days of its issuance and the commission may, after hearing, uphold, modify or abrogate said order.

II. Any violation of this chapter and any rules or final orders in force under this chapter shall be subject to enforcement by injunction, including mandatory injunction, issued by the superior court upon application of the director to the court in the county where the violation occurs or, if that court is in recess, to the Merrimack county superior court. Any such violation shall also be subject to a civil forfeiture to the state of not more than \$25,000 per day of violation. [Amended 1981, 332: 8, eff. Aug. 16, 1981.]

APPENDIX J

DEPARTMENT OF TRANSPORTATION

CHAPTER 230

STATE HIGHWAYS

230:46 **Design.** The commissioner of transportation is authorized to so design any limited access facility and to so regulate, restrict, or prohibit access as to best serve the traffic for which such facility is intended. He is authorized to divide and separate any limited access facility into separate roadways by the construction of raised curbing, central dividing sections, or other physical separations, or by designating such separate roadways by signs, markers, stripes and the proper lane for such traffic by appropriate signs, markers, stripes and other devices. No person shall have any right of ingress or egress to, from, or across limited access facilities to or from abutting lands, except at such designated points at which access may be permitted, upon such terms and conditions as may be specified by the commissioner of transportation from time to time.

230:47 **New and Existing Facilities.** The commissioner of transportation may designate and establish limited access highways as new and additional facilities or may designate and establish any existing road, street or highway within the state as included within a limited access facility. He shall have authority to provide for the elimination of intersections at grade of limited access facilities with any existing road, street or highway, by grade separation or service road or by closing off such road, street, or highway at the right of way boundary line of such limited access facility; and after the establishment of any limited access facility, no road, street or highway which is not part of said facility shall intersect the same except at such locations and upon such conditions as the commissioner of transportation shall approve.

230:48 **Local Service Roads.** The commissioner of transportation is authorized to plan, designate, establish, use, regulate, alter, improve, maintain or discontinue any road, street or highway or portion thereof, or to designate as local service roads and streets any existing road, street or highway, and to exercise jurisdiction over service roads in the same manner as is authorized over limited access facilities if in his opinion such local service roads are necessary or desirable.

230:63 **Occasion for Lay Out by Governor and Council; Lay Out.** The governor, with advice of the council, upon petition and hearing, may determine whether there is occasion for the laying out of highway from any existing highway to any public water in this state and so far around or along the same as may be required, and, if so, determine its location and appoint a commission of 3 persons who may purchase land or other property in the location, and shall lay out the remainder in the same manner as required of commissions in laying out class I or class II highways.

MEMORANDUM OF AGREEMENT

Between

The New Hampshire Department of Transportation
and

The Office of State Planning

Whereas; The State of New Hampshire wishes to participate in the Coastal Program, authorized by congress in the Coastal Zone Management Act (CZMA) and administered by the Department of Commerce, and

Whereas; The CZMA requires that an approvable Coastal Program includes the state's ability to control competing and conflicting uses in the Coastal Zone, and

Whereas; Infrastructure, including highways and sewers, is a prerequisite to high density development, and

Whereas; The state's policy on development in the Great Bay portion of the Coastal Zone is to ensure that development is limited to a low and moderate density, thus preserving its rural character and scenic beauty, and

Whereas; The Council on Resources and Development (CORD) has adopted the Coastal Program policies,

Then; It is hereby agreed that, in accordance with the Governor's 10 Year Highway Plan (adopted by the Governor and Council in November of 1985 and October of 1986), it is anticipated that there will be no new state funded highway improvements built in or adjacent to the Coastal Zone as defined by the Draft Environmental Impact Statement for the New Hampshire Coastal Program (Ocean, Harbor, and Great Bay Area), except for planned safety improvements to Route 4. This will not increase development pressures within the area of Great Bay and therefore will be consistent with the Coastal Program policies.

Any changes in the above which may affect this agreement will be reviewed and may require a program change to the New Hampshire Coastal Program. In any case, no new highway locations will be considered until extensive environmental analyses are completed in conjunction with the Office of State Planning.

David G. Scott 2/4/87

David G. Scott Date
Acting Director
Office of State Planning
Chairman, CORD

Wallace E. Stickney 2/17/87

Wallace Stickney Date
Commissioner
Department of Transportation

APPENDIX K

DIVISION OF HAZARDOUS WASTE
MANAGEMENT

147-A:13-a Hazardous Waste Sites.

I. If a hazardous waste site is discovered which poses an imminent threat to the public health, safety, and welfare, the commissioner of environmental services may, after court authorization or order, make application to the governor for funds to clean up such wastes under the authority of RSA 9:13-d.

II. Authorization for expenditures for such purpose shall be as prescribed in RSA 9:13-d.

III. The attorney general shall institute legal proceedings to obtain reimbursement for any moneys so expended by the state under this section.

Source. 1986, 198:22, eff. Aug. 2, 1986.

Revision note. In par. I, substituted "commissioner of environmental services" for "division of public health services" pursuant to 1986, 202:6, I(j). 1986, 202:6, I(j), provided for the amendment of RSA 125:95, which was repealed by 1986, 198:23, XXII and re-enacted in substantially the same form as this section by 1986, 198:22.

147-A:14 Enforcement. The division of waste management may:

I. Issue an order to any person in violation of this chapter, a permit issued under this chapter, or a rule adopted under this chapter to comply with this chapter, the permit, or the rule, and require such remedial measures as may be necessary; or

II. Request the attorney general to bring a civil action in superior court for appropriate relief, including a temporary or permanent injunction or both, to enforce any provision of this chapter or any permit, rule, or order issued pursuant to this chapter.

APPENDIX L

**LIST OF FEDERALLY
EXCLUDED LAND**

LIST OF FEDERALLY EXCLUDED LAND

1. Pease Air Force Base, Newington
2. Portsmouth Post Office, Portsmouth
3. Coast Guard Station, New Castle
4. Coast Guard Land, White Island, Rye